

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing) <b>JUL 15 2004</b> PATENT & TRADEMARK OFFICE	Application Number	10/849,573
	Filing Date	May 18, 2004
	First Named Inventor	Chernyak, Dimitri
	Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	018158-024000US
Total Number of Pages in This Submission		

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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Townsend and Townsend and Crew LLP Mark D. Barrish Reg. No. 36,443	
Signature	<i>Mark D. Barrish</i>	
Date	July 12, 2004	

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Typed or printed name	Edward Masinas		
Signature	<i>Edward Masinas</i>	Date	July 13, 2004

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On 7-13-04

TOWNSEND and TOWNSEND and CREW LLP

By: Edward Masinas

Edward Masinas

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Dimitri Chernyak

Application No.: 10/849,573

Filed: May 18, 2004

For: BINOCULAR OPTICAL  
TREATMENT FOR PRESBYOPIA

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Mark D. Barrish  
Reg. No. 36,443

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60253815 v1

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Use as many sheets as necessary)

Sheet 1 of 2

JUL 15 2004

**Complete if Known**

Application Number	10/849,573
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Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	018158-024000US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	US-5,682,223		10-28-1997	Menezes et al.	
	2	US-5,684,560		11-04-1997	Roffman et al.	
	3	US-5,724,258		03-03-1998	Roffman	
	4	US-5,807,377		09-15-1998	Madhani et al.	
	5	US-6,200,342 B1		03-13-2001	Tassignon	
	6	US-6,280,435 B1		08-28-2001	Odrich et al.	
	7	US-6,554,429 B1		04-29-2003	Campin et al.	
	8	US-6,682,196 B1		01-27-2004	Sheets, Jr. et al.	
	9	US-6,679,606 B2		01-20-2004	Campin et al.	
	10	US-2002/0140902 A1		10-03-2002	Guirao et al.	
	11	US-2003/0199858 A1		10-23-2003	Schelonka	

**FOREIGN PATENT DOCUMENTS**

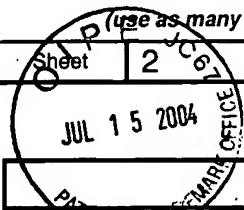
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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60253815 v1

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<i>Application Number</i>	10/849,573
		<i>Filing Date</i>	May 18, 2004
		<i>First Named Inventor</i>	Chernyak, Dimitri
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		<i>Examiner Name</i>	Unassigned
Sheet <u>2</u> of <u>2</u>		<i>Attorney Docket Number</i>	018158-024000US



<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	12	Loewenfeld, Irene, E., <i>The Pupil: Anatomy, Physiology and Clinical Applications</i> , Volume 1, (©1993) Wayne State University Press, Detroit, MI, pp. 296, 301-304.	
	13	Moreira et al., "Multifocal Corneal Topographic Changes with Excimer Laser Photorefractive Keratectomy" <i>Arch. Ophthalmol.</i> (1992) 110:994-999.	
	14	Vinciguerra et al., "Excimer Laser Photorefractive Keratectomy for Presbyopia: 24-month Follow-up in Three Eyes" <i>Journal of Refractive Surgery</i> (198) 14:31-31.	

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